

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-21 in the application. In view of the Appeal Brief filed on October 26, 2005, the Examiner reopened prosecution and set forth new grounds of rejection. In previous responses, the Applicant amended Claims 1, 4-5, 7-10, 15-19 and 21.

In the present preliminary amendment, the Applicant has amended Claims 1-2, 8-10 and 14-17. Support for the amendment can be found in paragraphs 26, 29-34, 37-38 and Figures 1, 2A and 2B of the original specification. Claims 1-21 are currently pending in the application.

I. Rejection of Claims 1-4, 8 and 10-11 under 35 U.S.C. §102

Previously, the Examiner rejected Claims 1-4, 8 and 10-11 under 35 U.S.C. §102(b) as being anticipated by “CATC USB Chief Bus and Protocol Analyzer User’s Manual,” hereinafter referred to as Chief. Chief, however, does not teach a portion of a performance indication system is contained in a USB terminator as recited in amended independent Claim 1. Additionally, Chief does not teach indicating a data transfer rate to a user employing a USB terminator as recited in amended independent Claim 8. On the contrary, Chief discloses a “USB Bus and Protocol Analyzer” (Analyzer) that is employed to analyze a USB 1.1 signal. (*See* pages 1 and 13.) Thus, instead of employing a USB terminator to indicate a data transfer rate or a USB terminator that includes at least a portion of a performance indication system, Chief discloses using an external Analyzer that can be connected to a USB branch for analysis. (*See* page 1.) As such, Chief does not teach each limitation of amended independent Claims 1 and 8.

As such, Chief does not anticipate amended independent Claims 1 and 8 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102 rejection with respect to Claims 1-4, 8 and 10-11.

II. Rejection of Claims 15-18 under 35 U.S.C. §103

Previously, the Examiner rejected Claims 15-18 under 35 U.S.C. §103(a) as being unpatentable over Chief as applied to Claim 1 above and in further view of U.S. Patent No. 7,007,119 to Howard, *et al.* The cited combination of Chief and Howard, however, does not teach or suggest a performance indication system contained within a central processing unit, a peripheral device or a USB cable assembly as recited in amended independent Claim 15. On the contrary, Chief discloses a separate Analyzer that can be connected to a USB branch for analysis. (See page 1.) The Analyzer is not part of the USB branch being analyzed but instead is a distinct unit that is configured and controlled by a separate personal computer. (See pages 1 and 17.) Thus, the Analyzer is a stand-alone unit connected to a system to be analyzed. (See pages 14 and 17.) More specifically, the Analyzer is not contained within a central processing unit, a peripheral device or a USB cable assembly as recited in amended independent Claim 15.

Howard was cited to teach a computer system comprising a data transfer rate of a USB 2.0 signal. The Applicant does not find where Howard teaches or suggests a performance indication system contained within a central processing unit, a peripheral device or a USB cable assembly as recited in amended Claim 15. Instead, Howard relates to improving throughput on external busses when supporting devices which adhere to both newer and older versions of external bus protocol. (See column 1, lines 6-12.) As such, Howard does not cure the noted deficiencies of Chief.

Accordingly, the cited combination of Chief and Howard does not teach or suggest each limitation as recited in amended Claim 15.

Thus, the cited combination of Chief and Howard does not provide a *prima facie* case of obviousness of amended Claim 15 and Claims dependent thereon. Therefore, the Applicant respectfully requests the Examiner to withdraw §103(a) rejection of Claims 15-18 and allow issuance thereof.

III. Rejection of Claims 5-7, 9, 12-14 and 19-21 under 35 U.S.C. §103

Previously, the Examiner rejected Claims 5-7, 9, 12-14 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Chief in further view of: U.S. Patent No. 5,365,577 to Davis, *et al.*; U.S. Patent Application Publication No. 20030026183 by Kitagawa; U.S. Patent No. 6,308,215 to Kolbet; U.S. Patent No. 4,837,488 to Donahue; Howard; or a combination thereof. As discussed above, Chief does not teach or suggest each limitation of amended independent Claims 1, 8 and 15. Additionally, the above references have not been cited to cure the noted deficiencies. Thus, the cited combinations do not provide a *prima facie* case of obviousness of amended independent Claims 1, 8 and 15 and Claims dependent thereon. Therefore, for at least this reason, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 5-7, 9, 12-14 and 19-21 and allow issuance thereof.

IV. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-21.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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